

## **REMARKS**

Claims 1-15 and 17-28 are pending in the instant specification. Applicants have amended claims 1, 2 and 26. Support for these amendments can be found, for example, page 10, lines 5-15 of the instant specification. Applicants have amended the specification to fix typographical errors and to supply better quality figures. No new matter is added.

### **Specification**

The Examiner has objected to informalities in the specification. Applicants have amended the specification to correct these informalities and submit that this objection is overcome.

### **Drawings**

The Examiner has objected to the drawings because they are of insufficient quality to permit examination. Applicants have replaced the drawings with the replacement sheets filed herewith. Thus, Applicants submit that this objection is overcome.

### **Claim Rejections**

#### **35 U.S.C. §103**

The Examiner has rejected claims 1-15 and 18-28, on pages 3-5 of the Office Action, under 35 U.S.C. § 103 for being obvious over Hoerstrup DE19919625 (“Hoerstrup”).<sup>1</sup> The Examiner alleged that Hoerstrup teaches the limitations of the device made and/or that the addition of a support structure to the design disclosed in Hoerstrup is obvious. Applicants have amended claims 1, 2 and 26, from which claims 3-15 and 18-28 depend, to stipulate that the biodegradable support must have a broad edge. Hoerstrup does not teach or suggest a broad edge, thus there is no *prima facie* case of obviousness of claims 1-15 and 18-28 in light of Hoerstrup.<sup>2</sup> Thus, Applicants assert that claims 1-15 and 18-28 are non-obvious in light of Hoerstrup and respectfully request that this rejection be withdrawn.

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<sup>1</sup> It is unclear whether this is an anticipation or obviousness rejection because the Examiner uses both theories in the rejection.

<sup>2</sup> Moreover, if the rejection was meant to be an anticipation rejection, Hoerstrup does not teach all of the limitations of claims 1-15 and 18-28 and thus cannot anticipate these claims.

The Examiner has also rejected claim 17, on page 6 of the Office Action, under 35 U.S.C. § 103 for being obvious over Hoerstrup in light of Rose, U.S. Patent No. 4,627,879 (“Rose”). The Examiner alleged that Hoerstrup teaches the invention of claim 17 except that it fails to teach the use of fibrin adhesive. The Examiner further alleged that Rose teaches a fibrin adhesive. As explained above, Applicants have amended claims 1 and 2, from which claim 17 depends, to stipulate that the biodegradable support must have a broad edge. As explained above, Hoerstrup does not teach a broad edge. Rose does not cure the deficiencies of Hoerstrup. Hoerstrup and Rose do not teach or suggest a broad edge, thus there is no *prima facie* case of obviousness of claim 17 in light of these references. Thus, Applicants request that this rejection be withdrawn.

### **35 U.S.C. §102**

The Examiner has rejected claims 25-28, on pages 5-6 of the Office Action, under 35 U.S.C. § 102(a) for being anticipated by Hoerstrup. As explained above, Applicants amended claims 1 and 2, from which claim 25 depends and claim 26, from which claims 27 and 28 depend, to stipulate that the frame construction must have a broad edge. Hoerstrup does not teach a broad edge and thus cannot anticipate claims 25-28. Thus, Applicants respectfully request that this rejection be withdrawn.

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### **CONCLUSION**

A favorable action on the merits is respectfully requested. If further discussion of this case is deemed helpful, the Examiner is encouraged to contact the undersigned at the telephone number provided below, and is assured of full cooperation in progressing the instant claims to allowance.

Respectfully submitted,

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